IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

-

WRIT PETITION NO : 6872 of 1994

Between:

G.Govindarajulu Reddy S/o Sangireddy, R/o No.7, 4th Cross,

Gandhi Nagar West, Vellore-4, Tamilnadu.

..... PETITIONER

AND

1) The Board of Trustees rep. By its Chairman, Tirumala Tirupathi

Devasthanams, Thirupathi, Chittor District.

2) The Executive Officer, Tirumala Tirupathi Devasthanams, Tirupathi,

Chittor District.

3) B.Tulasiraman, Physical Director, Sri Venkateswara High Secondary

School, Vellore, North Arcot District, Tamilnadau State.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, or any other writ, order or direction, declaring the orders of the 2nd respondent dt.19.3.1994 passed in Roc.No.D4/71700/85 and the resolution No.879, Dt.23/24-12-1993 passed by the first respondent as illegal, arbitrary, and violative of principles of natural justice and pass such other orders in the interests of

justice.

Counsel for the Petitioner: MR.NOUSHAD ALI

Counsel for the Respondents 1 & 2: MR.A.RAMALINGESWAR RAO.

S.C for T.T.D

The Court made the following:

:: O R D E R ::

This writ petition is filed seeking a writ of Mandamus declaring the orders of the 2nd respondent-The Executive Officer, Tirumala Tirupathi Devasthanams (T.T.D), dated 19.3.1994 passed in Roc.No.D4/71700/85 and the resolution No.879, Dt.23/24-12-1993 passed by the first respondent herein as illegal, arbitrary and violative of principles of natural justice.

The petitioner submits that he was initially appointed as Physical Education Teacher in Sri Venkateswara Higher Secondary School at Vellore, North Arcot District, Tamilnadu State run by T.T.D. Thereafter, the petitioner was promoted as Physical Director Grade-II (Selection Grade PET) on 1.7.1993, and was further promoted to the post of Physical Director, Grade-I vide orders Roc.No.D4/71700/85, dt.17.9.1993 by the second respondent. The District Educational Officer, Vellore accorded sanction for the same.

The third respondent was removed from service for violating the provisions of Rule 25(1) of the A.P.Civil Services (Conduct Rules), by the 2nd respondent by his order-dated 20.4.1993. The 3rd respondent herein filed an appeal to the Board of Trustees under Section 120(1) of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 against the orders of the 2nd respondent. The 3rd respondent

was reinstated to his original post as per resolution No.879, dt.23/24-12-1993 passed by the Chairman, and consequently, the petitioner was reverted as Special Grade, P.E.T. Hence, the present writ petition.

The second respondent filed counter *inter alia* stating that the promotion of the petitioner was temporary, and subject to revision at any point of time. The Chief Educational Officer, Vellore, North Arcot District has been addressed to release grant-in-aid to the post of physical Director for the period from 18.11.1989 to 24.4.1993 and from 21.4.1993 onwards. It is stated that there was no other alternative for the administration but to revert the petitioner, as there is no vacancy for Physical Director post in the institution.

Heard the learned counsel for the petitioner, and the learned Standing counsel. The main grievance of the petitioner is that by the order dated 19.3.1994, the petitioner was reverted to the Selection Grade P.E.T. The relevant portion of the order reads as under: -

> "In pursuance of the Resolution of the Board of Trustees, T.T.D, read above Sri B.Thulasiraman, Physical Director removed from service is hereby ordered to be reinstated to his original post of Physical Director and posted in place of Sri G.Govindarajulu Reddy, Physical Director, reverted as Selection Grade P.E.T, pending receipt of orders of Chief Educational Officer, Vellore sought for in letter read 2nd above.
>
> The Head Master, S.V.Higher Secondary School, Vellore is requested to admit Sri B.Thulasiraman to duty duly relieving Sri G.Govindarajulu Reddy.
>
> Sri G.Govindarajulu Reddy, on revision is posted as Selection Grade P.E.T in the same school…"

On a perusal of the impugned order, it is clear that no opportunity whatsoever has been afforded to the petitioner. Admittedly, no enquiry was conducted in the matter. The petitioner was initially appointed as Physical Director, and the same was approved by proceeding dated 07.12.1993 with effect from 18.09.1993. It is the contention of the petitioner that reverting the petitioner without holding any enquiry and without giving him any opportunity is illegal and the said order is against the principles of natural justice. Having regard to the above facts and circumstances, on this short ground itself, the impugned order is set aside. In the result, the writ petition

is allowed. However, this order does not preclude the respondents to take appropriate steps in accordance with law. No costs.

That Rule Nisi has been made absolute as above.

Witness Sri Devinder Gupta, the Hon'ble the Chief Justice, on this Thursday, the fifteenth day of July, Two thousand and four.

Sd/-

ASSISTANT REGISTRAR

15th July, 2004

Kk/Rar

To

1) The Chairman, Board of Trustees Tirumala Tirupathi

Devasthanams, Thirupathi, Chittor District.

2) The Executive Officer, Tirumala Tirupathi Devasthanams, Tirupathi,

Chittor District.

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